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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,268	04/14/2004	Ronald J. Hoffart	GROU-014	8102

7590 05/31/2006

Michael S. Neustel
Suite No. 4
2534 South University Drive
Fargo, ND 58103

EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,268	Applicant(s) HOFFART, RONALD J.	
	Examiner Alexandra K. Pechhold	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6,8-10,12-18 and 20 is/are allowed.
- 6) ☒ Claim(s) 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisbee (US 4,405,019).**

Regarding claim 21, Frisbee discloses an implement mounting system comprising:

- a support frame (seen as arms 20 and 22)
- a ball joint attached to the support frame (viewed as trunnion mounting 56)
- a support arm (seen as cylinder 50) having a first end and second end, wherein the first end is attached to the ball joint and wherein the second end receives an attachment structure for an implement (as shown in Fig. 2), and
- a brace member (seen as link 66) attached between the support frame and the support arm.

Frisbee fails to disclose specifically a *ball* joint, instead disclosing a trunnion mounting (56) (seen in Figs. 1 and 2). Yet Frisbee does disclose that the that the cylinder (50) is suitably secured within a trunnion mounting (56) mounted to frame (12) such that it has complete freedom of movement in any direction (Col 4, lines 58-

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61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trunnion mounting of Frisbee to be a ball joint, since both connections allow for complete freedom of movement, therefore providing the same function and would be interchangeable in achieving the same purpose.

Regarding claims 22 and 23, the brace member has an angle with respect to the support arm (illustrated in Figs. 1 and 2). From Fig. 1 of Frisbee the angle between the cylinder (50) and link (66) appears to be about 75 degrees, although Frisbee fails to disclose the particular angular degree between the components. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the angle between the cylinder (50) and link (66) of Frisbee to be less than 75 degrees, or less than 75 degrees and greater than 10 degrees, since both ranges appear to be close to that illustrated by Frisbee in Fig. 1, and furthermore, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Allowable Subject Matter

3. Claims 1-6, 8-10, 12-18, and 20 are allowed.

Response to Arguments

4. Applicant's arguments filed 3/15/06 have been fully considered but they are not persuasive. But the applicant did incorporate the allowable subject matter of claim 11

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into the independent claims, rendering them allowable. The newly added claims 21-23 are the same as original claims 1, 3, and 4, and accordingly are rejected on the same grounds. The applicant's arguments are not persuasive, since the Examiner maintains that the cylinder (50) of Frisbee can be considered a "support arm" in its broadest reasonable interpretation. Also, the link (66) of Frisbee, which is viewed as the claimed "brace member" is indeed attached between the arm (20) and the cylinder (50) as Fig. 1 shows. The broad language of "attached between" does not specify any direct attachment at either end, and therefore the broadest reasonable interpretation is found by the illustration in Frisbee.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (571) 273-8300.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
5/24/06